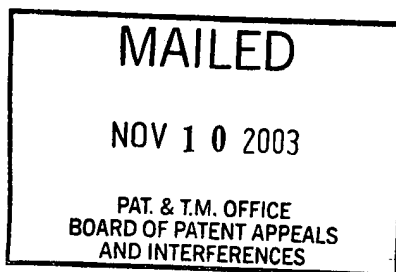


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte ALAN H. GREENAWAY
and
PAUL M. BLANCHARD

Appeal No. 2004-0196
Application 09/622,405

· ORDER REMANDING TO EXAMINER

On October 30, 2003, a facsimile of the Reply Brief containing a postcard receipt of September 15, 2003 (Paper No. 18) was filed in response to the Examiner's Answer mailed July 16, 2003 (Paper No. 15). However, there is no indication in the record of whether or not the examiner has considered the Reply Brief. Section 1.193(b)(1) of the Code of Federal Regulations (2002) states:

(b)(1) Appellant may file a reply brief to an examiner's answer or a supplemental examiner's answer within two months from the date of such examiner's answer. . . . The primary examiner must either acknowledge receipt and entry of the reply brief or

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withdraw the final rejection and reopen
prosecution to respond to the reply brief.

Accordingly, it is

ORDERED that the application is remanded to the
Examiner for proper response to the Reply Brief filed October 30,
2003 (Paper No. 18) and for such further action as may be
appropriate.

It is important that the Board of Patent Appeals and
Interferences be informed promptly of any action affecting the
status of the appeal (i.e., abandonment, issue, reopening
prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE SHAW
Program and Resource Administrator
(703) 308-9797

DS:psb

cc: Nixon & Vanderhye, PC
1100 N. Glebe Road
8th Floor
Arlington, VA 22201-4714